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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,389	11/02/2006	Ulrich Rohs	ROHS ET AL-23 PCT	9002
25889	7590	04/06/2009		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BONCK, RODNEY H	
			ART UNIT 3655	PAPER NUMBER
			MAIL DATE 04/06/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/584,389

**Applicant(s)**

ROHS, ULRICH

**Examiner**

Rodney H. Bonck

**Art Unit**

3655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 6/23/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following is a first action on the merits of application Serial No.10/584,389, filed November 2, 2006. Currently, claims 1-31 are pending.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

Receipt is acknowledged of the Information Disclosure Statement filed June 23, 2006. The cited documents have been considered.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fly ring must be shown or the feature(s) canceled from the claim(s). Note that no structure in the drawing has been designated as the "fly ring". Thus, it is apparently not shown. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: In line 20 of page 15, "cutch" apparently should be – clutch --.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

Claims 10, 27 and 29 are objected to because of the following informalities:

In claim 10, line 8, "zthey" apparently should be – they --.

In claim 27, line 3, "oneof" apparently should be – one of --; and, in line 4, "spring-damperdevice" should be – spring-damper device --.

In claim 28, "theidential" should be – the identical --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 2 and 3, "the loaded condition" lacks an antecedent basis. In claim 4, it is unclear whether the expression following "in particular" (line 3) is intended as a claim limitation. In line 4 of claim 4, "the maximum friction" has no proper antecedent. In line 4, it is unclear whether "a damper system" refers to the damper system already defined in claim 1. In claim 6, it is unclear with reference to what "radially outwards" refers. In claim 7, it is unclear whether "a spring-damper device" refers to the spring damper device recited in claim 1. In claim 8, it is not clear whether the two plates are symmetrical to each other or relative to some reference. In claim 9, it is unclear whether "a spring-damper device" refers to the spring

damper device recited in claim 1. There is no antecedent for "the side lying on the springs", lines 7-8 of claim 10, and it is unclear whether "the side" in line 10 refers to the same "side". There is no proper antecedent basis for "the side of contact", line 4 of claim 11. In claim 12, it is not clear what is meant by "designed as a membrane". In claim 13, there is no antecedent basis for "the secondary mass", "the primary mass", and "the secondary plate". In claim 14, "the secondary plate" has no proper antecedent basis. Also, it is unclear whether "only machined on one side" means one side only has a machining operation performed on it or that one side is machined and the other is not. Additionally, it is unclear whether the limitation following "preferably" is intended as a claim limitation. In claim 16, it is not understood what is meant by reciting that the plate "varies in the axial direction". The intended antecedent of "it" in claim 18 is unclear, and it is unclear whether "a plurality of springs" refers to the springs already defined in claim 1. Furthermore, there appears to be no antecedent for "the inner springs". In claim 19, it is not clear what is referred to by the "normal vector" of the frictional surface. Recitation in claim 20 that the frictional surface "is aligned essentially axially" is not understood. The expression "varies peripherally in the axial direction", in claim 21, is not understood. In claim 22, it is unclear whether the limitation following the word "preferably" is intended as a claim limitation. In claim 23, it is not clear what would be considered "very naturally stiff materials". Claims 27-31 refer to a method but do not recite any method steps.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31, insofar as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Kono et al.('857). The Kono et al. device discloses a dual mass clutch flywheel comprising two masses 2, 5 and a torsional vibration damper 6 capable of damping vibrations by means of a spring damper device which includes a spring system having springs 30 guided by hold-down devices connected by a fly ring 140, the fly ring able to follow the springs at least over a small relative idling angle. The springs are freely mounted at least in the region of the hold-down devices and do not rub against components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney H. Bonck/  
Primary Examiner, Art Unit 3655

rhb  
April 2, 2009